

**MINUTES OF A REGULAR MEETING
OF THE
BOARD OF TRUSTEES
OF THE
TOWN OF BUENA VISTA, COLORADO
AUGUST 10, 2010**

CALL TO ORDER

A Regular meeting of the Board of Trustees was called to order at 7:01 PM on Tuesday, August 10, 2010, at the Buena Vista Community Center, Pinon Room, 715 E. Main Street, Buena Vista, Colorado by Mayor Joel Benson. Present were Trustees Carrie Carey, Robert Flint, Keith Baker, Duff Lacy, Norm Nyberg, Jerry Steinauer, Town Administrator Sue Boyd, Town Attorney Jeff Parker, Town Planner Shannon Haydin, Public Works Director Roy Gertson, Police Chief Jimmy Tidwell, Fire Chief Darrell Pratt, Town Engineer Rachel Friedman, Town Treasurer Christine DeChristopher and Town Clerk Diane Spomer.

ROLL CALL

Town Clerk Spomer proceeded with the roll call and declared a quorum.

PLEDGE OF ALLEGIANCE

Mayor Benson led in the Pledge of Allegiance.

AGENDA ADOPTION

Mayor Benson requested to add a presentation from Eagle Scout, Ben Greiner before Public Comment

Motion #1 by Trustee Flint, seconded by Trustee Lacy, to adopt the agenda as amended. Motion carried.

CONSENT AGENDA

- A. **Minutes**
 - 1. Regular Meeting – July 27, 2010
- B. **Advisory Boards**
 - 1. Trails Advisory Board
- C. **Street Closure Request**
 - 1. Should the Board approve a request from Transrockies US LP to close E. Main Street between S. Colorado and N. Railroad on August 22, 2010, from 6 AM – 10 AM for the Transrockies Run?
 - 2. Should the Board approve a request from Buena Vista Volunteer Fire Department to close Linderman Avenue between Cottonwood & the Library parking lot on August 14 and 15, 2010, from 9 AM – 4 PM for a fund raiser?
- D. **POLICE DEPARTMENT/CALL REPORT/MUNICIPAL COURT**
- E. Should the Board approve adoption of Resolution #83, Series 2010, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH STEVE MILES CONCERNING THE CUTTING OF HAY ON THE TOWN'S GORREL MEADOW PROPERTY**"?

Trustee Lacy noted a correction in the Steve Miles Agreement on page 49, paragraph "3" should be "6".

Mayor Benson stated the Street Closure request should be 6 AM; Motion #3 should be "Baker"; on page 27 at the top should be "or allow them to operate there...."; on page 31 Christi should be Kristen; page 33 the sentence beginning "Mayor Benson" should be a new bullet item as it was in reference to the vacant building code and not the form based code.

Motion #2 by Trustee Baker, seconded by Trustee Nyberg, to approve the Consent Agenda as amended. Motion carried.

EAGLE SCOUT PRESENTATION

Ben Greiner, Troop 67, had a public service project to complete to become an Eagle Scout; he worked with Public Works and spent the last year working on a sign outlining various features of the River Park and presented the final project. Ben thanked the local businesses that helped support the project to make it a reality and noted it will be erected on E. Main Street with a ribbon cutting ceremony.

PUBLIC COMMENT

All comments were held for the Public Hearing on Medical Marijuana.

BUSINESS ITEMS

PRESENTATION BY THE BEAUTIFICATION COMMITTEE

Joy Duprey presented a hand-out showing the accomplishments of the Beautification Committee for 2009-July, 2010; noted proposed future projects; estimated Committee revenues with a special budget request of \$1450 for 2010.

Should the Board approve adoption of Resolution #84, Series 2010, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH OLSSON ASSOCIATES**"

Rachel Friedman noted at the last meeting the Board approved proceeding with a contract with Olsson Associates and introduced Brad Simons.

Brad Simons introduced himself, noted Olsson Associates can meet the Town's needs and outlined some of their services.

Discussion held on the \$30,000 on page 67 should be included in the resolution; the intent was that the Town could competitively bid for projects over \$5,000; a change was requested to the Whereas Clause to be "between \$5000-\$30,000 with projects over \$30,000 to be put out for competitive bid".

Motion #3 by Trustee Flint, seconded by Trustee Carey, to approve Resolution #84, Series 2010, with the additional whereas clause added that projects over \$30,000 are to be put for competitive bid. Motion carried.

PUBLIC HEARING – Should the Board approve adoption of Ordinance #23, entitled, "AN ORDINANCE REPEALING AND REENACTING ARTICLE IV OF CHAPTER 6 OF THE BUENA VISTA MUNICIPAL CODE TO PROHIBIT BUSINESSES RELATED TO MEDICAL MARIJUANA"?

Attorney Parker outlined that the two applications were filed and under consideration; comments were heard regarding the current ordinance, and not the applications, whether the Town should have adopted the ordinance with specific regulations; the Board requested an ordinance be prepared for this meeting banning Medical Marijuana Centers and continued the two pending applications. Jeff outlined two issues for consideration: ban centers or regulate them; noted the quasi judicial process to follow, the legislative process along with a little history of the adoption of the current ordinance to regulate Marijuana Centers.

Discussion followed on what the impact is of the applications if approved if the ban ordinance goes into affect 30 days later (a legal non-conforming use, but uses would be banned); they can operate for one year under the term of their "license" through the Town and recommended the Board consider the ordinance under the current standard not under the standard of a "ban" if passed; suggested considering if the "ban" should be approved or if the applications should be considered under the current ordinance; outlined specifics of the State legislation thus far along with application deadlines for the two applicants.

Mayor Benson outlined the procedures for the hearing and opened the public comment portion of the Hearing at 7:40 PM.

Gordon Lacy, 100 River Run Drive, read a letter into the record addressing an ordinance adopted by the Board and asking that the 'rules not be changed in the middle of the game'.

Clarice Basti, 29383 Creek Trail Road, read a patients letter into the record in favor of the MMC.

Diane Kreil, 30245 CR 352B, felt it would be a mistake not to approve the applications and let the businesses go in; felt people cannot live a normal life with prescription drugs; expressed teaching the children the difference; the issue is not how are they going to get the drugs but what we are really teaching our children.

Danyel Jaffe, 1776 S Jackson, Denver attorney, spoke in favor of the existing ordinance; advocate for abused children; gave specifics on the regulation of the security systems for the MMCs; was in favor of getting drugs out of the cartel's hands ,getting less money going to illegal entities and more funds going to the City.

Karen Lacy, 118 Dreamcatcher Road, expressed gratitude to her husband for standing firm on what he voted for at the last Town meeting and standing on ethics; when did it become the Town's responsibility in making choices for the children; concerned about children making a choice for black market marijuana and wanted to know if they are disconnected for various reasons or are they afraid to speak out for what they really want for their life; asked why their church or parents aren't taking responsibility; did not feel thee Mystic Wellness Center was responsible for this and asked the Town to move forward.

Jim Thompson, 17065 CR 338, former County Commissioner, outlined the words of an oath of office and to follow the Constitution of the US and Colorado; marijuana is illegal according to Federal Law but in Colorado it is legal and the Trustees have the right to vote up or down; noted the banking regulations in relation to MMCs that they will need to find a new account place as the sale of marijuana is considered illegal; asked the Council to take it under consideration on their vote.

Ken Rose, 30440 CR 356, High country Church, asked Council to adopt Ord. 23; felt the law is too confusing at this time; referenced local newspaper articles where 80% of local governments will "ban" and 20% of towns that will allow the MMCS "they will sprout up on every corner"; stated 76% of prescriptions were written by 15 doctors with no local doctors writing the prescriptions; marijuana is the most commonly sited drug for people seeking treatment for illicit drug abuse per the Denver Post 7/4/2010.

Brynn Ronning, 15264 CR 350, read a letter from David Lynch into the record asking for respect of the democratic process and felt the adoption of an ordinance to regulate marijuana followed the process.

Erin Easton, 334 W Main, re-iterated thoughts from the last public hearing; felt that since marijuana is legal in the State it would be wrong to not allow the businesses to proceed; read a short letter from Betty Harrington into the record and asked that the marijuana centers be allowed.

Evelyn Baker, 520 Arizona, has been following the issue closely and heard no one speak out against a center in Buena Vista; respects Dan & Clarice for trying to bring the process to the community; noted some specifics that Dan & Clarice asked to be placed in the ordinance; feels the ordinance is one the Town can be proud of and felt they have the right to operate in the town limits.

Dick Scar, 311 E Pine, noted his pants were made of hemp cloth; the Constitution was written on paper made from hemp; George Washington was a hemp farmer, farmers today cannot grow it because of paranoia of a similar plant; feels marijuana is a natural plant that can heal conditions; asked for opposition to Ord. 23 and to keep the current ordinance.

Danica Baker, 623 Cedar, read a letter from Frank & Linda Carpenter into the record outlining misinformation and scare tactics in the community; felt Dan & Clarice proceeded in the right way to open their business and spoke in favor.

Mark Krasnow, 429 Cedar, expressed the State Legislature has come down on more restrictions on these types of businesses; the Town should be commended for the lengthy process they went through; highlighted strong security measures; some people will always abuse the system and asked the Trustees to stick by their original decision.

Travis Atwood, 127 Baylor, voiced support at the last meeting; read a letter from Dr. Geddes into the record outlining her experience and credentials and affects of prescription drugs vs. marijuana.

Terry Alix, CR 353 #32, addressed drugs that can be overused and abused as well as natural plants that can be used the same way; felt marijuana is a drug and not beneficial for the body or for good health.

Daniel Krasnow, 310 Cedar, spoke in opposition to the ordinance.

Laura Metz, 15264 CR 350, was approached by Dan & Clarice about doing acupuncture at their new center; was present for support of medical marijuana; noted the need for it in BV and asked Council to stand by their original decision.

Chris Teipel, 1015 W Main Street, felt the applicants should have waited to put out funds until their application was approved and did not want to feel guilt; supports the ban on medical marijuana; bothered by the corruption but not by the medical need and felt "we can take over what happens locally".

Zach Bearss, 731 Yale Avenue, expressed this is a confusing time; Commissioners did not know where BV was headed; when "the church" found out they responded; noted how his congregation has taken care of "end of life" members; felt the Trustees were "out of touch" and there needs to be education and there is a group full of compassion that wants to see people helped.

Charlie Stombaugh, 16010 CR 356-12, expressed his compassion for the community as a father and husband; felt Dan & Clare were sincere in their endeavor but there is a lot of confusion in the law; not arguing that medical marijuana can be used but laws and regulations do not clearly define how to regulate it; asked the Trustees to learn from how centers have not been run properly and do it in a way that "is honoring to the people".

Joe Butcher, 123 S Sangre De Cristo, asked "do we want to make it easier to get drugs to be used illegally"; did not remember young people in his youth that needed marijuana for medicinal purposes and felt it was clear what is happening now; felt dispensaries operate out "of the pocketbook and not compassion" and was opposed to the centers.

Trisha Butcher, 29857 N Hwy. 24, noted "free samples" being given out to entice customers and stated pharmacies do not give out free samples; asked how can it be regulated if given away; felt we are enabling the use and setting children up for failure.

Earl Richmond, 412 Cedar Street, was pro legal business and pro process; felt we have a strong ordinance in place; we can argue all day but to allow marijuana centers has already been made; taxpayers should expect the ordinance to be followed and should not live in fear nor have "not in my back yard" mentalities; these businesses will support our tax base and felt the residents have the freedom of choice to support the business or not and in closing asked "why was the plant put on the earth".

Paul Ahrens, 106 Shady Lane, sat through previous meetings where the original ordinance was passed; felt the Board needs to consider Mr. Thompson's issues; referenced comments by young men at the last meeting and wondered how much marijuana contributed to their problems; one potential customer of a center may "use it as he sees fit" and not necessarily for medicinal purposes.

Katie Urban, 1000 Swift Circle, Dan & Clare counted on the public process; asked the Trustees not to repeal the ordinance, but if it is, allow the applicants to run their business for a year.

Gail Elliott, 27720 Aspen Ridge Circle, a nurse who saw a lot of suffering and is held accountable to the idea for control of the drugs at work; felt the marijuana would get into the hands of the young and would open the door in our community and it is bad enough.

Tom Wydeven, 1371 Circle Drive, WI suffered a serious accident in 1992 and had many problems, got marijuana illegally, is not on it anymore and stated it is not addictive.

Joe Wydevan, resident of Boulder, there will be a demand by medical patients and by high school kids that are irresponsible; we are not trying to fill the demand of high school kids but those who need it; HB 1284 has strict parameters on who can run this type of business and Dan & Clare are sincere; there are banks that will allow this industry; not many doctors who will prescribe because they do not want to put their license and education on the line; if too much is produced-the law says dispensaries can sell and trade to other centers in other towns; we have a responsibility to make good decisions and Dan & Clare would make changes to their business accordingly.

Dustin Urban, 1000 Swift Circle, stated the Constitution was carefully crafted and is there for a reason; the time for debate has long passed; commended the Trustees for crafting an ordinance to regulate and asked that it not be repealed.

Nita Stevens, 16434 CR 356-10, a licensed therapist for years treating patients with substance abuse who expressed you cannot regulate all the addictions and asked the Trustees to allow the ordinance to stand and allow the process for these businesses to move forward; alternative healings are legal in this State.

Chad Gram, Canon City, doctors are OK with prescribing opium drugs, to approve it and then not approve it "you are robbing your Town".

Renee Morrison, 414 E Main Street, studies show no evidence between cannabis use and other illicit drugs; it does not predict or lead to substance abuse; cited other studies where marijuana is not a gateway drug; the applicants should be allowed to run a legal business in BV and not have it denied on unfounded information.

Brian Yates, 18140 Alta Vista Drive, BVHS Principal, medical marijuana is the most sought after drug on the street right now; asked the Trustees to join the School District by teaching kids what is right and wrong; stay away from what can be abused; felt it is dangerous and asked that this be a community that bans it.

Jonathan Hunt, 3650 Adams Street, Denver, run over by a car 3 years ago and addicted to prescription drugs; sought out legal marijuana to get off the prescription drugs that is pushed by pharmaceutical companies; keeps his medical marijuana for himself and the issue needs to be dealt with.

JoAnn Vinyard, 12922 CR 310, asked "if someone has a legal card and came to a dispensary are they legally responsible to fill that or can they say "no"?"

Candler Vandever, 11232 CR 197, has heard from both sides that kids will get the drugs with a card or without; sees MMCs as detrimental to our community and not a good thing.

Chris Mabey, 831 Yale Avenue, against centers as the community is not mature to handle it; there are people that need it and some do not; teens think about the high they can get and wants to see the youth do something in life and succeed.

Karen Farber, 40677 US Hwy. 24 N, felt Government is putting the cart before the horse; family members (20, 22 and 53) have to take a test every year to show they are not doing drugs; feels we are putting a few needs over public safety and Government needs to think it out further.

Bobbi Deckard, 16386 Falcon Drive, asked the Trustees to look at history; feels regulations are not well established and feels the community is asking to "hold off" until the State can get regulations in place and we all know more; supported the ban; feels we need medical research showing medical effectiveness of marijuana.

David Blackburn, 204 S Pleasant Avenue, works for Chaffee High School, knew about the meeting in April and was unable to attend; felt the process was important; has seen a use of this issue and seen abuse and asked to make it difficult for the kids to get their hands on it.

Robert Crowther, 125 Raymond Lee Drive, on behalf of the Board of Education strongly opposed marijuana and centers in the community; say "no to marijuana and dispensaries in our community".

Gene McManaman, 16895 CR 338, talked to a lot of people since the last meeting and knows it is a hotly contested problem; good candidate for medical marijuana but does not make sense to use a drug to take care of it when it caused his problems earlier in life; he risks his business and job when he speaks out on this issue; feels God kept him in this community for a reason-as an example of what God can do to change a life when you are hooked on drugs"; if he can show someone another way to recovery after drug or alcohol abuse then he has served his purpose of what God has called him to.

Daniel Hamme, 29383 Deer Trail, feels there is nothing he can say to the opponents to appease them; appreciates the concerns of others; feels it is the highest regulated business in the State; noted half of the businesses will be out of business in a year and they have an obligation to uphold the law to the Town and State and that will remain; is not willing to risk their license by breaking and bending the rules; young people breaking the law will be taken care of by the authorities; encouraged others to understand the freedom of choice by others in need.

Luke Cortese, 112 Court Street, asked why this was not put to a vote; both sides are trying to "sway the Trustees vote" and he could not make the decision because he is split; a vote is the only true way to figure out what the community wants; has friends that are "for it" and he respects their opinion; hopes for the best outcome from the process.

Jesse Cortese, 15750 CR 306, stated he is part of the "vigilante church group" as some call it; respects what Daniel is trying to do and feels it is respectable; his concern is the regulation; had an uncle that just passed away from cancer and would help him in anyway to get through the struggle; worried about the other dispensaries that are coming forward but feels Daniel is sincere; asked Council to consider when the new regulations will come into effect.

With no other comments received Mayor Benson closed the public comment portion of the hearing at 9:32 PM. A recess was taken from 9:32 PM to 9:42 PM

Mayor Benson referenced letters presented in favor of due process and banning medical marijuana; thanked the individuals present for their comments; felt if we had the debate on illegal marijuana in April we may have gone to a vote.

The Trustees expressed the following:

Keith Baker-**voting against the ban**; taking bias out of the equation; **concerns**: regulation and not wanting youth getting it; HB1284 will clamp down on centers; noted the purpose of cultivation by the MMCs to keep the illegal drugs coming from Mexico; feels loyalty to the process from staff and state legislation and the open public process; noted the Town put a moratorium in place until the State law came into place and feels confident in what the Town adopted; **compassion**: talked about a product that can take care of pain; will not say to someone that can reap the benefits of its use; lets' not let the contention split the community.

Bob Flint-was first opposed; daughter has cancer and had lung removed and had his eyes opened; noted what has transpired the last few months in adopting an ordinance, is strongly opposed and after hearing testimony is still opposed.

Norm Nyberg-former cop and if kids want the marijuana they will get it; feels the ordinance in place is the best protection if a business will open; medical marijuana has a lot of good things to offer and feels Dan & Clare will do a good job and take care of what needs to be taken care of.

Carrie Carey-apologized to Dan & Clare on how she voted previously; expressed the Trustees like to hear from the residents but "not after the fact"; outlined the purpose of med marijuana; we don't feel someone else's pain and are trying to decide what type of treatment they can have and would not forbid others from taking them if needed; assured the public she would not allow others to sway her vote.

Duff Lacy-doesn't like statistics; tried to confirm information he received; noted statistics of abuse of drugs, alcohol, poor diet and exercise, pharmaceuticals; everything comes at a cost and we all have

freedom of choice; noted the use of marijuana by youth and they will still buy the cheap stuff because they can afford it.

Jerry Steinauer-outlined the various choices for the Trustees; doesn't feel we need a dispensary in BV because of the number in the valley; if you want it you can get it; feels we are between a rock and a hard place.

Motion #4 by Trustee Steinauer, seconded by Trustee Flint, to approve Ordinance #23. Trustee Flint stated the vote was not unanimous as he left the meeting after 7PM. Trustees Nyberg, Baker, Carey and Lacy voted against. Motion failed.

CONTINUATION OF PUBLIC HEARING - SHOULD THE BOARD APPROVE AN APPLICATION FROM HAMME-BASTI, LLC D/B/A NATURAL MYSTIC WELLNESS CENTER TO OPERATE A MEDICAL MARIJUANA CENTER AT 204 E. MAIN STREET?

Shannon Haydin noted the full applications were in the last packet for Board review; presented pictures of the proposed site for the center; outlined distance restrictions; noted allowed zone districts for the centers and locations that centers could be located; total number of allowable centers in Buena Vista would be three; outlined findings to be met before an application can be approved; stated property security measures are in place; there was a proper business plan and hours of operation; Chief Tidwell did an inspection of the property; cultivating is being proposed at the location; unused product will be disposed at the landfill; the proposed 2nd application will be 1792 feet from this property; the criminal history does not disqualify the applicants; a sign permit application will be submitted upon approval of this application and staff finds the application to be complete.

Mayor Benson opened the public comment portion of the hearing at 10:25 PM.

Hugh Eccles, 37643 Lake View Drive, heard comments about the bank situation and if it is correct it would introduce a criminal component or robberies that would be associated with it; felt the Trustees need to investigate further before making a decision.

Gary Ohrman, Eagle CO, owner of the building, encouraged and appreciated the Trustees standing up and doing the right thing.

Terri Burton, 11232 CR 197, asked that products not be displayed in the windows and to be discreet.

Bobbi Deckard, as a nurse was concerned about training for the owners of a center to dispense; noted medical marijuana is readily available, there is a hospital in Salida and Leadville and does not understand the medical need when there are so many so close.

Jeff Bevin, 21860 Hancock Lane, expressed that this is a process of whether they have completed the application and dotted their eyes.

Molly Steeling, 127 Baylor, in support of any business that will take over an abandoned location on a main thoroughfare.

Daniel Hamme stated he is open to talking to people and urged the Trustees to move forward on their application.

With no other comments received Mayor Benson closed the public comment portion of the hearing at 10:38 PM.

Trustee Baker stated the Trustees were attentive to discretion; treated it like a medical healthcare profession; anything other than that they would be in violation and they would be gone. Trustee Lacy

added that our ordinance does not allow paraphernalia which goes above state law. Trustee Carey stated they have numerous security cameras, alarms and are setup like a bank.

Motion #5 by Trustee Lacy, seconded by Trustee Baker, to approve the application as submitted by Hamme-Basti LLC. Trustee Flint and Steinauer voted against. Motion carried.

CONTINUATION OF PUBLIC HEARING - SHOULD THE BOARD APPROVE AN APPLICATION FROM WILLIAM MALONE D/B/A EVERGREENS CAREGIVERS TO OPERATE A MEDICAL MARIJUANA CENTER AT 109 BROOKDALE AVENUE?

Shannon Haydin noted Mr. Malone was not present and she had made several attempts to see if he would be present and what his intent was and has not heard from him. The request is to operate a center at 109 Brookdale, Mr. Malone would not be able to meet the grow percentage and was looking for another location for his grow operation; he meets the distance requirements, the application was complete; the plan is to take unused product and incinerate outside the County; the criminal history of the applicant was addressed by Attorney Parker who revealed some criminal history; the history did not reveal the disposition on all charges and the applicant is not present to answer questions. Chief Tidwell noted he was not able to go inside the property for inspection.

Mayor Benson opened the public comment portion of the hearing at 10:46 PM.

Scott Sattker, 131 Baylor, what he has seen of the application felt it does not reflect the business model that Buena Vista wants; asked that the others that come forward have the same desire and business model that Dan & Clarice have put together.

With no other comments received Mayor Benson closed the public comment portion of the hearing at 10:48 PM.

A brief discussion followed on no safe is mentioned in his business plan and it is required by the ordinance.

Motion #6 by Trustee Lacy, seconded by Trustee Nyberg, to deny the application. Motion carried. Jeff Parker requested the Board instruct him to draft a letter to write a written order to the applicant. The three items are: incomplete business plan, no safe, background check shows criminal history; not enough room to grow 70% of the marijuana. Jeff noted the State requirement needs to be left to the State and the applicant's rehabilitation needs to be considered and since he is not present and will include that in the order also.

Motion #7 by Trustee Baker, seconded by Trustee Nyberg, to direct Attorney Parker to draft a letter disapproving the application for consideration at the next meeting. Motion carried.

PUBLIC HEARING – Should the Board approve adoption of Ordinance #24, Series 2010, entitled “AN ORDINANCE RENUMBERING THE SEXUALLY ORIENTED BUSINESS LICENSING PROVISIONS IN THE BUENA VISTA MUNICIPAL CODE FROM ARTICLE IV OF CHAPTER 6 TO ARTICLE V OF CHAPTER 6”?

Attorney Parker stated he numbered the Sexually Oriented Business ordinance the same as the marijuana ordinance and made the correction.

Mayor Benson opened the public comment portion of the hearing at 10:53 PM with none received and closed the public comment portion of the hearing.

Motion #8 by Trustee Steinauer, seconded by Trustee Baker, to approve Ordinance #24, Series 2010. Motion carried.

DISCUSSION REGARDING THE LEESMEAGH DRY-UP

Administrator Boyd updated the Board on pursuing the dry up of the Leesmeaagh previous discussions included looking into constructing a trench; staff met with John Cogswell, Elmer Ollinger, Dave Kelly and Bruce Smith-State Engineering; Mr. Cogswell wanted to talk about exchanging Leesmeaagh water with the Town rights and not the trench at this stage; John Cogswell will draft an agreement around the exchange for us to evaluate, staff will pursue with Mr. Kelly his vision if the exchange were implemented and Mr. Ollinger will talk to the public land trust to see if an exchange to be decreed in water court meets their requirement for irrigation water on the meadow.

STAFF REPORTS

TOWN ADMINISTRATOR

Administrator Boyd had the following items to cover:

- Trustees Lacy, Nyberg, Flint and self attended the NIMS training last Tuesday.
- A draft memo prepared by Colorado Legislative staff was prepared about the measures for November outlining the ramifications.
- We received an e-mail today that Poncha Springs will host the quarterly joint meeting for August 31 at 6 PM and they want a head count. Trustees Flint, Baker, Lacy and Mayor Benson stated they will attend.
- The Capital Improvement Work Session is on Tuesday, Aug 17 at 6:30 PM; Aug 18 is the Ark Basin Roundtable in Salida from 1-5 P; Sept. 9 from 1-4 PM there is a Sustainable Roundtable in Gunnison and transportation can be taken care of for those who want to attend.

AIRPORT MANAGEMENT

Administrator Boyd had the following items to cover:

- Trying to schedule interview for FBO applicant for Sept. 18 with the Airport Commission at the airport. A contract was in the RFP and we are waiting on the financial.
- We are struggling with the fuel truck that is now functional again; it makes it easier to manage jets
- In looking at hangar acquisition, the proposal was to do an appraisal to get an idea of value since Mr. Mandes is wanting to know; George can pay half and we are talking to 2 or 3 qualified appraisers and will come back with more specifics.
- Trustee Baker asked about traffic numbers. Sue advised that Dave Strosnider was going to provide a report but it is not ready; we should have July numbers as well as financials at the next meeting; fuel sales are about double from the month before.
- A brief discussion followed on a landing that was aborted; staff doesn't know why the lights were not functioning, all switches were off and measures have been put in place to alleviate it happening again.

TOWN TREASURER

- Trustee Baker asked about the format of the new report. Christine advised she is still working on reporting features and there is a new chart of accounts.
- Mayor Benson asked what time the August 17 meeting started. Staff noted it will be in the Pinon Room at 6:30 PM.
- Trustee Lacy referenced a spike in the water usage at the airport terminal building. Sue stated it was due to the fire seat base. Duff asked about the trees on page 88. Roy noted they are Main Street trees.

TOWN PLANNER

- Shannon asked if Council looked at the fence review process. Discussion followed on #3-the fence is necessary to protect property from wildlife and the deer are the problem. Council liked what is being proposed overall. Shannon expressed that the people most affected by the process would be the neighbors, the fee would need to be in the fee schedule. Shannon will craft an ordinance.
- P&Z discussed vacation rentals and felt they should be "allowed by right"; a Special Use requires publishing in the paper ,posted at the property otherwise a use by right they get a business

license and they do it. The Trustees wanted to make it a use by right and change the code. Discussion held on requiring a sales tax license and the business has to collect lodging tax.

PUBLIC WORKS DEPARTMENT

- Mayor Benson noted the furniture looks great.
- Trustee Carey asked about the tree trunks. Discussion followed on placement by the Town; themes to be used; he will bring them up in mid September; there will be some steel and will come before Council.
- Trustee Nyberg asked about pot hole damage from the rain. Roy noted he had threee pages of street repairs.

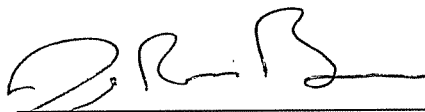
TRUSTEE/STAFF INTERACTION

- Mayor Benson expressed thanks to staff for the list of priorities and noted the need to consolidate it. Sue added that we did not evaluate the 2's.
- Trustee Nyberg asked if anyone saw the guy working on his car in the Texaco parking lot yesterday.
- Trustee Lacy asked about the date for the lake being open for kayaking. Mayor Benson stated Tuesday's. Sue added we need signage in all the parks and Roy advised that the signs are not ordered yet.

ADJOURNMENT

Motion #9 by Trustee Baker, seconded by Trustee Nyberg, noting that there being no further business to come before the Board declared that the meeting be adjourned at 11:28 PM. Motion carried.

Respectfully submitted:



Mayor, Joel Benson



Town Clerk, Diane Spomer